

REMARKS

Applicant thanks Examiner Chervinsky for his detailed Office Action dated April 5, 2002.

Claims 1-13 are pending and stand rejected. Claim 8 has been amended without prejudice. Claims 14-20 have been added. Claims 1-20 are therefore at issue.

Claim Rejections — 35 U.S.C. § 112

Claims 8-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, as a result of a lack of antecedent basis for "the heat sink" in claim 8. Claims 9-12 were rejected as dependent on claim 8. However, Claim 8 has been amended without prejudice to resolve the lack of antecedent basis for "the heat sink" and the resulting indefiniteness. Applicant requests written confirmation from the Examiner that the rejection of claim 8-12 based on 35 U.S.C. § 112, second paragraph is removed.

Claims Allowable Over the Cited Art

The Office Action rejected Claims 1, 5- 7, and 13 "under 35 U.S.C. 103(a) as being unpatentable over Ende", US Patent 4,642,715. Applicant respectfully traverses this rejection and requests reconsideration and withdrawal of this rejection.

Claim 1 recites a device comprising "a carrier for holding a hard disk drive ... and a heat

sink mounted on the carrier." In addition, Claim 7 recites a device comprising "a carrier for holding a hard disk drive ... and fins mounted on the carrier." Furthermore, Claim 13 recites "a carrier for holding a hard disk drive... and a heat sink slidably mounted on the carrier." Claim 19 recites a device comprising "a first means for holding a hard disk drive ... and a second means for convective cooling mounted on the first means."

The Office Action identifies the rack mount housing 109 of Ende as disclosing the "carrier" of claims 1, 7 and 13. The Office Action also identifies the environmental conditioning and safety system (ECSS) 10 of Ende as disclosing the hard disk drive of claims 1, 7, 13, and 19. Furthermore, the Office Action identifies the fins 104 of Ende as disclosing the "heat sink mounted on the carrier" of Claim 1, the "fins mounted on the carrier" of Claim 7, and the "heat sink slidably mounted on the carrier" of Claim 13.

However, Ende teaches clearly that the fins 104 are a part of ECSS 10 which is asserted as disclosing the recited disk drive. Ende discloses a "means for dissipation of heat, which ... comprises ribs or fins [that] are formed integrally with cover plate 12." (Col. 7 lines 12-14; Fig. 2; abstract "a finned heat sink cover plate"). In Ende, the cover plate 12 is a part of the housing of the disk drive (Col. 2 lines 6-8; Col. 4 lines 10-17 and line 40; Fig. 1) and not part of the carrier. Because the fins 104 are formed in the cover plate 12, which is a part of the disk drive, the fins 104 are a part of the disk drive in Ende. Specifically, the heat sink 104 is clearly taught not to be mounted on the carrier 109 in contrast with the assertion to the contrary in the April 5, 2002 Office Action. Applicant respectfully submits that the Examiner has misread Ende and has therefore failed to make a prima facie case for unpatentability of Claim 1-13 in view of Ende.

All pending claims recite, either directly or indirectly, language similar to that discussed

above. Accordingly, all pending claims are allowable over Ende.

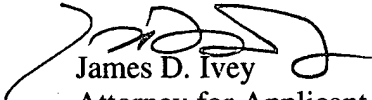
MARKED-UP CLAIMS TO SHOW CHANGES

8. (Amended Once) A device as set forth in Claim 7, further comprising:
a heat sink mounted on the carrier, wherein the heat sink includes the fins, the carrier includes
a face and a fan mounted on the face of the carrier, the fins align with respect to the fan to optimize
convective cooling.

Conclusion

Claims 1–20 are now in a condition for allowance and such action is respectfully requested. If the Examiner's next action is other than for allowance of claims 1–20 or if the Examiner has any questions or comments with respect to the above identified case, the Examiner is respectfully invited to telephone the undersigned at (510) 336–1100.

Respectfully submitted,


James D. Ivey
Attorney for Applicant
Reg. No. 37,016

LAW OFFICES OF JAMES D. IVEY
3025 Totterdell Street
Oakland, California 94611–1742
Voice: (510) 336–1100
Facsimile: (510) 336–1122

/home/jim/office52/user/work/lveyLaw/2196p.01/Response.sdw